

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

BERKLEY RISK
ADMINISTRATORS COMPANY, et al.,

CIVIL NO. 06-2804 (PAM/JSM)

Plaintiffs,

v.

**SECOND AMENDED PRETRIAL
SCHEDULING ORDER**

WELLS FARGO BANK,

Defendant.

The above matter came on before the undersigned on October 4, 2007, on a telephonic conference to address an issue between the parties regarding the Pretrial Scheduling Order. In this regard, all parties agreed to resolve this issue informally by telephone, without formal briefing or hearing, pursuant to this Court's Pretrial Scheduling Order that permits informal motion practice. David L. Hashmall, Esq. appeared on behalf of plaintiffs; Richard T. Thomson, Esq. appeared on behalf of defendant.

The Court, being duly advised in the premises, upon all of the files, records and proceedings herein, now makes and enters the following Order.

IT IS HEREBY ORDERED that the Pretrial Scheduling Order is amended as follows:

Pursuant to Rule 16 of the Federal Rules of Civil Procedure and the Local Rules of this Court, and in order to secure the just, speedy and inexpensive determination of this action, the following schedule shall govern these proceedings. The schedule may be modified only upon formal motion and a showing of good cause as required by Local Rule 16.3.

Pleadings and Disclosures

- October 28, 2006 - All pre-discovery disclosures required by Rule 26(a)(1), including production of documents, shall be completed on or before this date.
- January 2, 2007 - All motions which seek to amend the pleadings or add parties must be served and filed on or before this date, and shall include a redlined version reflecting the changes contained in the proposed amended pleading. This deadline does not apply to motions which seek to amend the complaint to add a claim for punitive damages. Such motions must be brought on or before the non-dispositive motion deadline.

Discovery and Nondispositive Motions

Disclosure of the identity of expert witnesses under Rule 26(a)(2)(A) shall be made as follows:

June 1, 2007 -	By plaintiffs
February 1, 2008 -	By defendant

Full disclosures required by Rule 26(a)(2)(B), accompanied by the written report prepared and signed by the expert witness, shall be made as follows:

February 1, 2008 -	By plaintiffs
March 1, 2008 -	By defendant
April 1, 2008 -	Rebuttal by plaintiffs

February 1, 2008 - All fact discovery of any kind shall be commenced in time to be completed by this date.

May 1, 2008 - All expert discovery of any kind, including expert depositions, shall be commenced in time to be completed by this date.

June 1, 2008 - All non-dispositive motions and supporting pleadings (affidavits, memorandum of law, and proposed order), including those which relate to discovery and any request for extension of this Pretrial Scheduling Order, shall be served, filed and HEARD by this date. Prior to scheduling any non-dispositive motion, the parties are encouraged to consider whether the motion, including motions relating to discovery and scheduling, can be informally resolved through a telephone conference with the Magistrate Judge. To the extent that formal discovery motions will be filed, non-dispositive motions may be scheduled for hearing by calling Katherine Haagenson, Calendar Clerk to Magistrate Judge Janie S. Mayeron, (651) 848-1190. A Reply

Memorandum not exceeding 1750 words (including footnotes) may be delivered to opposing counsel and the chambers of this Court no later than 9:00 a.m. on the business day preceding the hearing, so long as the total word count for the original and reply memorandum does not exceed 12,000 words. All non-dispositive motions shall be scheduled, filed and served in compliance with the Electronic Case Filing Procedures for the District of Minnesota and in compliance with Local Rules 7.1, 37.1 and 37.2. When a motion, response or reply brief is filed on ECF, one paper courtesy copy of the pleading and all supporting documents shall be mailed or delivered to the undersigned in an envelope addressed to Katherine Haagenson, Calendar Clerk, contemporaneously with the documents being posted on ECF.

Settlement, Dispositive Motions and Trial

October 16, 2007 - On or before this date, the parties shall notify the Court in writing whether the case has settled. If the case does not settle by this date, then the parties shall notify the Court in writing whether they reached an impasse on settlement discussion or the status of settlement discussions as of this date.

June 1, 2008 - All dispositive motions (affidavits, memorandum of law, and proposed order), shall be served, filed and HEARD by this date. Counsel for the moving party shall call Calendar Clerk Suzanne Ruiz, 651-848-1156 to schedule the hearing. All dispositive motions shall be scheduled, filed and served in compliance with the Electronic Case Filing Procedures for the District of Minnesota and in compliance with Local Rule 7.1. When a motion, response or reply brief is filed on ECF, one paper courtesy copy of the pleading and all supporting documents shall be mailed or delivered to Calendar Clerk Suzanne Ruiz, 651-848-1156 contemporaneously with the documents being posted on ECF.

This case shall be ready for trial as of **September 1, 2008**. The parties estimate that trial of this Jury matter will take 5 days.

General

No more than 5 depositions shall be taken per side.

No more than 30 Interrogatories (including all subparts) shall be served per side.

The Court will not establish the number of written discovery devices which may be

employed by the parties not covered in this Order. The attention of the parties is called to the provisions of Rule 26(g)(2). If necessary, the Court will rule on objections to specific discovery. See also Rule 26(g)(3) and Rule 37(a)(4).

Each party may depose all disclosed experts.

Each party may call all disclosed experts at trial.

Dated: October 4, 2007

s/ Janie S. Mayeron
JANIE S. MAYERON
United States Magistrate Judge